

REMARKS

Review and reconsideration on the merits are requested.

Formalities

Applicants appreciate the Examiner acknowledging receipt of the certified copy of the priority document.

The Examiner is correct that no Information Disclosure Statement has been filed.

DETAILED ACTION

Objection/Rejections Under 35 U.S.C. § 112

The Examiner is correct that at the indicated portions 150 nm should read 150 ppm. The specification at page 4, the Abstract and claim 1 are all corrected to use “ppm”.

Withdrawal is requested.

The Prior Art

US 2004/076855 Doushita et al (Doushita); US 2004/0110037 Kuse et al (Kuse); US 2004/0072030 Lowery et al (Lowery); US 2003/0118869 Ozawa et al (Ozawa).

The Rejections

Claims 1, 2, 6 and 8-10 were rejected under 35 U.S.C. § 103(a) as being patentable over Doushita in view of Kuse or Lowery.

Claim 7 was rejected under 35 U.S.C. § 103 as being unpatentable over Doushita in view of either Kuse or Lowery and further in view of Ozawa.

The present application was filed March 29, 2004. Doushita was published April 22, 2004 (35 U.S.C. § 102(a) date). Doushita was filed July 25, 2002 (35 U.S.C. § 102(e) date).

Applicants avoid Doushita by filing a Statement of Common Ownership.

Statement of Common Ownership

The present Application No. 10/810,656 and US 2004/076855 Doushita et al were, at the time the invention of present Application No. 10/810,656 was made, owned by The Fuji Photo Film Co., Ltd.

Since Doushita is necessary to support all obviousness rejections, withdrawal of the objections rejections is requested.

Double Patenting

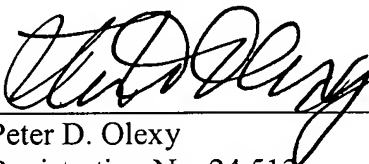
Claims 1 to 6 and 8 to 10 were rejection on grounds of obviousness-type double patenting over claims 1-8 and 13, 14, 18, 21, and 22 of U.S. Patent 6,875,495 and claim 7 was rejected on the same ground further in view of Ozawa (earlier identified).

While not concurring in the validity of the rejection, to advance prosecution Applicants submit herewith a Terminal Disclaimer with respect to US Patent 6,875,495.

Withdrawal of the obviousness-type double patenting rejections is requested.

Allowance is requested as all rejections, it is believed, have been overcome.

Respectfully submitted,


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